



U.S. Department of Justice

Office of the United States Trustee

Southern District of New York

November 5, 2021

The Honorable Robert D. Drain
United States Bankruptcy Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

**Re: Purdue Pharma, L.P., et al.,
Case No. 19-23649 (RDD)**

Dear Judge Drain:

We write to briefly respond to the letter, dated November 5, 2021, from the Plan Proponents (the “Letter”).¹ The Plan Proponents request in the Letter that the Court schedule a chambers conference regarding the pending stay motions that are scheduled to be heard on November 9, 2021. The Plan Proponents did not advise the United States Trustee or any other moving party that such a request was going to be made. Indeed, the Letter was sent to the Court within minutes after our proposed counteroffer to their revised proposal was sent and summarily rejected by the Debtors.

The Letter is outrageous. First, in contrast to their various statements on the record about their pains to extend a variety of professional courtesies to every party, the Plan Proponents sent this Letter – which obviously had been written well before they received the United States Trustee’s counter-proposal – without contacting the Appellants for consent to seek a status conference. Second, it appears the only purpose in sending the Letter was to provide the Court with their own self-serving characterizations of settlement negotiations between the parties. For that reason alone, the Court should deny the request and delete the letter. In addition, the Plan Proponents inappropriately attach to the Letter the Plan Proponents’ latest settlement offer regarding the United States Trustee’s Motion for a Stay.

We do not believe that a chambers conference is necessary or warranted. The United States Trustee engaged in good faith settlement discussions in an attempt to resolve the issue, but the parties were unable to come to an agreement. We do not intend to dignify the inappropriate actions by the Plan Proponents in sending the Court a Letter filled with self-serving characterizations of confidential settlement discussions between parties. The United States Trustee is entitled to his day in court to argue the merits of his motion for a stay pending appeal. The Debtors cannot unilaterally impose a so-called settlement on the parties. We are prepared to go forward on Tuesday and will do so. Your Honor can

¹ Although the Plan Supporters did not file the Letter on ECF, in accordance with the Court’s Chambers Rules, we intend to file this response on the docket and request that the Court direct the Plan Supporters to do the same.

rule on the motions for a stay pending appeal that are before the Court on that day, the only matters pending for adjudication.

Should your Honor have any questions, please do not hesitate to have your law clerk contact me.

Very truly yours,

WILLIAM K. HARRINGTON
UNITED STATES TRUSTEE, Region 2

By: /s/ Paul K. Schwartzberg
Paul K. Schwartzberg
Trial Attorney